

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**JOSE TAMAYO,**

**Defendant.**

)  
)  
)  
)  
)  
)  
)  
)  
)

**CASE NO. 8:09CR65**

**ORDER**

This matter is before the Court on the Defendant's motion for appointment of counsel (Filing No. 166).

The Defendant's Judgment was filed on August 14, 2009. Any notice of appeal at that time was required to be filed within 10 business days of the filing of the Judgment. Defendant now requests appointment of counsel to file an appeal. Because he is out of time to file an appeal, the motion for appointment of counsel is denied.

IT IS ORDERED:

1. The Defendant's motion for appointment of counsel (Filing No. 166) is denied; and
2. The Clerk is directed to mail the Defendant a copy of this order.

DATED this 22<sup>nd</sup> day of November, 2010.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge